



**TOWN OF BOLTON**  
**ZONING BOARD OF APPEALS**

Town Hall, 663 Main Street, Bolton, MA 01740  
Phone: 978-779-3308 Fax: 978-779-5461

**SPECIAL PERMIT FINDINGS AND DECISION**

Petitioner: Meghan and Sean Duhamé  
670 Main Street  
Bolton, MA 01740

Premises: 670 Main Street  
Bolton Assessor's Map 2.0 Parcel 25

Owner: Meghan and Sean Duhamé  
670 Main Street  
Bolton, MA 01740

Deed Reference: Worcester District Registry of Deeds, Book 36498 Page 4

Date Petition filed with Town Clerk of Bolton, MA: April 16, 2020

Type of Application: Special Permit

Applicable Zoning Bylaw of the Code of the Town of Bolton, MA: Section 250-3.C

Hearing Date: May 19, 2020

Members Present: Gerard Ahearn, Bryan Holmes, Andy Kischitz, Bradley Reed, and Kay Stoner

Decision: On May 19, 2020, the Board of Appeals voted to **approve** the petition seeking Special Permit.

**PROCEDURAL HISTORY**

1. On April 16, 2020, Meghan and Sean Duhamé (hereinafter, the Applicant) applied to the Zoning Board of Appeals (ZBA) for a Special Permit to alter a pre-existing nonconforming structure located on the Premises at 670 Main Street, Bolton, MA 01740 pursuant to Section 250-3.C of the Code of the Town of Bolton. The Premises is identified on the Bolton Assessor's Map 2.0 as Parcel 25 located in the Residential Zoning District.
2. The Applicant seeks to replace the pre-existing nonconforming 16 ft. by 18 ft. garage

located on the Premises with a proposed 24 ft. by 24 ft. garage.

3. A public hearing was noticed for May 19, 2020. Notice of the public hearing was published in The Clinton Item on April 24 and May 1, 2020. Both notices were posted for 14 days in the Bolton Town Hall, and mailed to parties of interest at least 14 days before the public hearing.
4. The public hearing was conducted via Zoom Video Communication, Inc. (Zoom) in accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place in response to the COVID-19 state of emergency.
5. A duly posted public hearing was held on May 19, 2020 at 8:00 p.m. via Zoom. Chairman Gerard Ahearn read the Notice of Public Hearing of the request for a Special Permit pursuant to Section 250-7.D of the Code of the Town of Bolton. The Board closed the hearing and voted the same evening.
6. Members of the Board virtually attending the public hearing, deliberating and voting on the Petition were Gerard Ahearn, Bryan Holmes, Andy Kischitz, Bradley Reed, and Kay Stoner.
7. Throughout its deliberations, the Board was mindful of the statements of the Applicant and the comments of the general public, all as made or received at the public hearing.

### **RECORD DOCUMENTS**

During the course of the public hearing the documents, plans, and other written materials set forth in Appendix A were received by the Board and incorporated into the record.

### **CRITERIA FOR SPECIAL PERMIT**

The criteria for the grant of a Special Permit to alter a pre-existing nonconforming structure pursuant to Section 250-3.C of the Code of the Town of Bolton is that the alteration should not be substantially more detrimental to the neighborhood than the existing structure. Section 250-3.C of the Code, provides that generally any increase of no more than 100% of the floor area for a structure existing prior to April of 1972 or 50% of the ground area in use shall be considered as not substantially more detrimental to the neighborhood than the prior nonconforming structure.

### **FINDINGS**

Based upon the information submitted at the public hearing, including the record documents and comment received from the public, the Board makes the following specific findings with regard to the alteration of the pre-existing nonconforming structure:

1. The Premises is located at 670 Main Street, Bolton, MA 01740, identified on Bolton Assessor's Map 2.0 as Parcel 25, and is owned by Meghan and Sean Duhamel, 670 Main Street, Bolton, MA 01740. The Premises is located in the Residential Zoning District.
2. The Applicant submitted a complete application in accordance with the Code of the Town of Bolton.
3. The pre-existing nonconforming structure existed prior to the adoption of current zoning and encroaches within the front yard setback pursuant to Bolton's Zoning Bylaw, Section 250-13.B of the Code of the Town of Bolton. The existing garage is located 26 ft. from the front property line; a front yard setback of 50 ft. is required.
4. The Applicant seeks to replace the pre-existing nonconforming 16 ft. by 18 ft. garage with a proposed 24 ft. by 24 ft. garage. The new garage is larger in footprint and height to allow for vehicle storage. The proposed garage will extend an additional 6 ft. into the Applicant's backyard, but will not encroach any further into the required property setbacks.
5. The Premises is located within Bolton Center National Register Historic District. Bolton's Historical Commission voted on April 18, 2018, that the garage on the property was 'not significant' thus allowing a rebuild.
6. The requested alteration for a proposed garage will not be substantially more detrimental to the neighborhood than the pre-existing nonconforming structure. The new larger garage will not be more than 100% of the floor area of the existing garage or 50% of the ground area in use.

### **DECISION**

Pursuant to M.G.L. c. 40A, Section 9 and Section 250-6 of the Code of the Town of Bolton, the Board, after public hearing and findings of fact, hereby votes to grant the Applicant's request for a Special Permit to allow for the construction of a proposed garage in replace of a pre-existing nonconforming structure located at 670 Main Street in accordance with the following condition:

1. The proposed garage is constructed in substantial conformance with the site plans and renderings submitted as part of the original application.

**RECORD OF VOTE**

Bryan Holmes motioned to approve the Special Permit to construct the proposed garage at 670 Main Street in substantial conformance with the site plans and renderings submitted as part of the original application. 2<sup>nd</sup> by Bradley Reed. All in favor 5/0/0.

Bryan Holmes motioned to allow Gerard Ahearn to sign, on behalf of the Board, the Special Permit decision for 670 Main Street. 2<sup>nd</sup> by Bradley Reed. All in favor 5/0/0.



Gerard Ahearn, Chairman

**FILED WITH THE TOWN CLERK**

Filed with the Town Clerk on May 28, 2020.

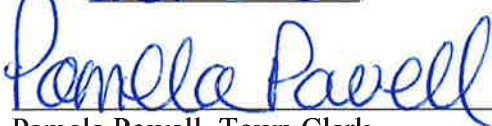


Pamela Powell, Town Clerk

**CERTIFICATE OF NO APPEAL**

The undersigned, being the Town Clerk of the Town of Bolton, certifies that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Date: June 18, 2020.



Pamela Powell, Town Clerk

Copy of Special Permit Findings and Decision mailed to:  
Abutters  
Surrounding Towns  
Bolton Boards and Committees  
Applicant/Owner

2020 MAY 28 AM 9:26

2020 JUN 18 PM 12:51

## **APPENDIX A RECORD DOCUMENTS**

### **Original Application Documents**

1. Application to ZBA;
2. Application Fee;
2. Certified Abutters List from Bolton's Assessor's Office;
3. Photographs;
4. Site Plans and Renderings.

### **May 19, 2020 Hearing Documents**

1. Email from Martha Remington on behalf of the Bolton Historical Commission dated May 15, 2020 with Attachments (Historic Properties Survey for the Town of Bolton – 670 Main Street).